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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,754	04/26/2001	Richard A. Pineau	8410 (OL)	8266
20349	7590	06/30/2005	EXAMINER	
POLAROID CORPORATION			REILLY, SEAN M	
PATENT DEPARTMENT			ART UNIT	PAPER NUMBER
1265 MAIN STREET			2153	
WALTHAM, MA 02451			DATE MAILED: 06/30/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/842,754	PINEAU ET AL.
	Examiner	Art Unit
	Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 26-28 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15, 19 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This case has been reassigned to a new Examiner. This Office action is in response to Applicant's amendment and request for reconsideration filed on 3/24/05. Claims 1-15, 19, and 20 are presented for further examination. Independent claims 1 and 15 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7-15, and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (WO 00/01138; hereinafter Steinberg) and Kleinrock et al. (U.S. Patent Number 6,795,8521; hereinafter Kleinrock).
2. With regard to claims 1, 2, 5, and 9-15, Steinberg disclosed a method of transmitting to a remote node (18, fig. 1, page 6, lines 16-18; server) in a data communications network (16, fig. 1), digital images from an image data source (12, fig. 1; digital camera), comprising the steps of: accessing and transferring one image or a plurality of images from the image data source (abstract; providing the customer a specific apparatus (10, fig. 1, page 6, line 14), said apparatus having identifying information stored in a memory thereof, transmitting, receiving and storing, at the remote node of the data communications network, said image or plurality of images and said identifying information (page 8, lines 27-34; account number identifies the user in the system).

However, Steinberg failed to specifically recite automatically determining a closest entry point into the data communications network. Nevertheless, it was well known in the art at the time of the invention to automatically determine the closest entry point into a data communication network, as evidenced by Kleinrock. In an analogous art, Kleinrock disclosed an automatic network connection system which:

- Automatically sending information from said communication apparatus via a toll fee link, to the data communication network to ascertain the location of said communication apparatus (Col 4, lines 23-25),
- at the data network, automatically recognizing the location of said communication apparatus, comparing the location a stored list of network entry points, selecting the closest entry point (e.g. ISP) the and transmitting back to the client the contact information for the selected closest entry point (Col 4, lines 25-28); and
- at said communication apparatus, automatically using the provided contact information to establish communication with the data network via the closest entry point (Col 4, lines 28-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automatic connection system disclosed by Kleinrock, within Steinberg's system so users can be automatically connected to the most appropriate phone number and thereby avoid enormous long distance telephone charges (Kleinrock Col 1, lines 25-33).

3. With regard to claims 3-4 and 19-20, Kleinrock disclosed automatically determining said entry point, GPS or caller ID information is used (Col 5, line 60).
4. With regard to claim 7, Steinberg teaches the automatic transmission of the image or plurality of images from the apparatus to the remote node of the communication network (page 12, lines 24-29). Steinberg does not specifically recite upon detecting an interrupting signal and re-attempting transmission after a waiting period following an interruption. However, Steinberg teaches the system automatically attempts to re-connect with the remote server after a connection fails to establish (page 17, lines 13-14). Hence, it would have been advantageous to one of ordinary skill in the art to attempt a re-connection with the remote server at a later time after an interruption of service in order to complete the data transmission when the data line is not busy or heavily used.
5. As per claim 8, Steinberg teaches the system attempts to check at regular intervals to determine whether the remote node is connected and ready to receive data (page 18, lines 20-21 and 24-26). Once the two systems are in sync with each other, the device sends data images to the remote node for display, storage, print or share as addressed in above claims and also further disclosed on page 20, lines 9-14).
6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (WO 00/01138; hereinafter Steinberg) and Kleinrock et al. (U.S. Patent Number 6,795,852; hereinafter Kleinrock) as applied above and in further view of Kawaga et al. (U.S. Patent Number 5,995,239; hereinafter Kagawa).

7. As per claim 6, Steinberg does not specifically recite the plurality of transmission rates of data images between the system and the remote node. However, Kawaga teaches when data is transmitted successfully, the system increases the transmission rate to increase the mean transmission rate. However, when an error occurs in received image data or when the condition of the network is poor, the system will decrease the transmission rate. The rate is shifted up again if the image data is free from errors or if the circuit condition is desirable (col. 12, lines 6-14). Hence, it would have been obvious to one of ordinary skill in the art to be motivated to introduce an alternative or obvious modification of Kawaga teachings to enhance the communication rate and reliability of data transmission as disclosed in col. 12, lines 14-16.

Response to Arguments

8. Applicant's arguments are noted, however they are moot in view of new grounds of rejection.

Conclusion

9. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/21/05



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